

HOUSE No. 1263

By Mr. Sanchez of Boston, petition of Jeffrey Sanchez relative to over enrolling of students in institutions of higher education. Higher Education.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO OVER ENROLLING OF STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding the provisions of any general or special law to
2 the contrary, the over enrolling of students beyond physical
3 housing capacity of a higher education institution, shall be
4 deemed to be a public nuisance which shall be under the jurisdic-
5 tion of the local board of health to abate. Said board remedies
6 shall include, but not be limited to, injunctive relief.

7 Each higher educational institution shall pay a tax for every
8 student over enrolled, as defined by this act, to a fund established
9 by the commonwealth for said purpose.

10 For the purpose of this act, over enrolled shall mean the prac-
11 tice of enrolling more students in undergraduate programs than
12 the number of dormitory beds available on campus or through said
13 institution enrolling such students.

14 The costs associated with a municipal response to any building
15 or dwelling unit used or occupied by students enrolled at an insti-
16 tution of higher education shall be reimbursable by said institution
17 where the students are enrolled for any and nuisance related calls
18 that interferes with the public peace, health or safety. Such costs
19 shall be recoverable against said institution as a municipal lien
20 that may be attached to assets owned by said institution or its
21 trustees.

22 In the event that said institution refuses to reimburse the munic-
23 ipality for all costs, the municipality shall be able to enforce any

24 municipal lien incurred under this section through legal or admin-
25 istrative means for said debt provided for in the General Laws of
26 the commonwealth.